

EXHIBIT 3

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,)
)
Plaintiffs,)
)
vs.) No. 1:17-cv-00365-DAE
)
GRANDE COMMUNICATIONS)
NETWORKS LLC,)
)
Defendant.)
)

**DEFENDANT GRANDE COMMUNICATIONS NETWORKS LLC'S
TRIAL EXHIBIT LIST**

Defendant Grande Communications Networks, LLC submits the following Trial Exhibit List pursuant to Local Rule CV-16(e) and the Court's Order Setting Jury Selection/Trial and Related Deadlines (ECF No. 275).

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expects to Offer	May Offer
1	Grande Internet Acceptable Use Policy		PX103		X
2	Email string from G. Boswell to R. Wachunas. Subject: RE: Dmca emails.	RIGHTSCORP00005698– RIGHTSCORP00005701			X
3	Email string from G. Boswell to R. Wachunas. Subject: RE: Dmca emails.	RIGHTSCORP00005708– RIGHTSCORP00005711			X
4	Email from info@rightscorp.com to legaldepartment@rightscorp.com. Subject: Rightscorp, Inc. - Contact Inquiry.	RIGHTSCORP00005786– RIGHTSCORP00005786			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect s to Offer	May Offer
5	Email string from R. Steele to T. Fisher. Subject: FW: [AB-C194663V] Unauthorized Use of Copyrights RE: TC-624ee538-0a0e-42429d9d-815549b827b7.	RIGHTSCORP00006320– RIGHTSCORP00006323			X
6	Email from DMCA@DigitalRightsCorp.com to abuse@mygrande.com. Subject: Unauthorized Use of Copyrights RE: TC-1c936d2d-f426-4c20-b32b-8c9022a21830		Boswell 8/2018 Ex. 5		X
7	Email from DMCA@DigitalRightsCorp.com to abuse@mygrande.com. Subject: Unauthorized Use of Copyrights RE: TC-1bb2382f-c908-4c16-ae24-1fd950181ac7		Boswell 8/2018 Ex. 6		X
8	Email from DMCA@DigitalRightsCorp.com to abuse@mygrande.com. Subject: Unauthorized Use of Copyrights RE: TC-0z7c08a8-36db-4ca5-84b9-c823e1524caf		Boswell 8/2018 Ex. 7		X
9	Email string from coxresponse@DigitalRightsCorp.com to abuse@cox.net. Subject: Unauthorized Use of Copyrights Re: TC-3dc7c8c8-f7bd-4dfd-b4f6-4b00cdff49ca		Boswell 8/2018 Ex. 8		X
10	Email from R. Steele to G. Boswell. Subject: Any John Denver tracks need to be immediately removed	BMG_GRANDE00000183 – BMG_GRANDE00000183		X	
11	Excerpts of Greg Boswell 30(b)(6) Deposition taken July 3, 2015 in BMG et al. v. Cox Enterprises, Inc. et al.	BMG_GRANDE00000001			X
12	Excerpts of BMG Rights Management (US) LLC, et al. v. Cox Enterprises, Inc. et al. trial transcript		Boswell 6/2019 Ex. 3		X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect to Offer	May Offer
13	Email from DMCA@DigitalRightsCorp.com to legal@grandecom.com. Subject: Unauthorized Use of Copyrights RE: TC-d8901c92-f741-4eb2-9011-f15bcf522cf8		Boswell 6/2019 Ex. 4		
14	Digital Rights Proposal Response to Request for Proposal/Request for Quote for Scanning, Evidence Management and Related Support for Corporate Infringement Program. V0.1 September 28, 2011. Proposal Date: October 12, 2011	RIAA_00059923– RIAA_00059955		X	
15	Correspondence from Digital Rights to RIAA and MPAA, subject Copyright Alert System Monitoring - Response to Request for Proposal. Request for Proposal/Request for Quote for Peer to Peer Scanning, Evidence Management and Generation of Copyright Infringement Reports for the United States dated August 12, 2011.	RIAA_00060082– RIAA_00060139		X	
16	UMG Repeat Infringer Notice and Monitoring Project Proposal	RIAA_00059957– RIAA_00059970			
17	DRC RIAA Technology Review	RIAA_00060010– RIAA_00060060			
18	Joined Infractions Grande P2P Sample a/k/a 2019.02.19 Grande Samples Data.xlsx		Boswell 6/2019 Ex. 9		X
19	Rightscorp Source Code Production			X	
20	Outputs from Rightscorp Revision Control System	RC-D004		X	
21	Email string from D. Benjamin to C. Sabec. Subject: Re: DigitalRights	UMG_00012651– UMG_00012653			X
22	Email string from D. Benjamin to D. Kokakis. Subject: Re: Digital Rights (torrent sites / ISPs)	UMG_00012713– UMG_00012716			X
23	Email string from D. Benjamin to M. Rothman. Subject: Re: DigitalRights	UMG_00012636– UMG_00012636			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect s to Offer	May Offer
24	UMG Repeat Infringer Notice and Monitoring Project Proposal	UMG_00012637– UMG_00012650			X
25	Email string from D. Kokakis to M. Sammis	UMG_00007020– UMG_00007021			X
26	Email string from D. Benjamin to A. Kautz	UMG_00006957			X
27	Invoices to Grande from CSG Systems, Inc.		Cruse Ex. 2		X
28	Invoices to Grande from CSG Systems, Inc.		Cruse Ex. 3		X
29	Email string from M. Pinto to J. Cruse. Subject: FW: Letter ids.		Cruse Ex. 8		X
30	Declaration of Gregory Boswell 1.17.19 (ECF No. 173-79)				X
31	Email string from C. Hangey to B. Beck. Subject: Re: Re: Fraudulent Notices being Received by Cox Customers	COX0008– COX0016			X
32	Email string from B. Beck to S. Boggs, K. Weathersby, L. Trickey, B. Cox, J. Spalding. Subject: Re Re FW new variant, from copyright@arpanet-ip.com - Re [Fwd Re Fraudulent Notices being Received by Cox Customers]	COX0067– COX0073			X
33	Email from B. Cox to K. Keever. Subject: Privileged & Confidential Attorney-Client Communications - Draft Alert to Executive Team	COX0181			X
34	Email string from L. Trickey to S. Tanke, B. Beck, B. Cox. Subject: Re; Re: ip-echelon report fraudulent website links.	COX0047– COX0049			X
35	Email string from L. Trickey to B. Cox. Subject: Re Re Inquiry: DMCA Phishing Scam	COX0110– COX0111			X
36	Email string from K. Weathersby to S. Boggs, B. Cox, M. Morris, L. Trickey, S. Allen-Wang. Subject: Re Re Inquiry DMCA Phishing Scam	COX0137– COX0140			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expects to Offer	May Offer
37	Email string from B. Cox to T. Williams. Subject: Re Re Inquiry: DMCA Phishing Scam - Privileged & Confidential Attorney-Client Communication	COX0457– COX0463			X
38	Email string from B. Beck to L. Trickey, B. Cox, M. Morris, J. Spalding, T. Williams, K. Weathersby, S. Boggs, S. Allen-Wang, J. Slick, S. Tanke. Subject: Re Re Inquiry DMCA Phishing Scam	COX0337– COX0345			X
39	Email from B. Beck to L. Trickey. Subject: Privileged Confidential - most recent IP-Echelon issues	COX0582– COX0583			X
40	Email string from Cox Customer Safety to help@ip-echelon.com. Subject: Re Re [6.28.2016 32407747] Notice of Claimed Infringement from 98.182.54.15 at 2016-06-27T00: 54:54Z - Ref. 507669320	COX0001– COX0007			X
41	Email from T. Williams to HRD-.TOC, R. Schubert, M. Fedorko, W. Woodward, K. Brown, N. Pulley, CCI - Abuse Las Vegas, F. Kayoka, A. Roy, S. SVS, P. Kumar, S. Ali, N. Satti, M. Patnayakuni, Y. Kasarabada, S. Onteddu, R. Appam. Subject: Identification information for Fraudulent DMCA complaints	COX0477– COX0478			X
42	Email from B. Beck to S. Boggs, K. Weathersby, L. Trickey, B. Cox, J. Spalding. Subject: 4th recent variant, from copyright@dmca.report - Re: [Fwd: Re: Fraudulent Notices being Received by Cox Customers]	COX0050– COX0053			X
43	Warner Songs Spreadsheet		Flott Ex. 2		X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect s to Offer	May Offer
44	Email from H. Singer to H. Singer. Subject: Rightscorp's terrifying extortion script is breathtaking in its sleaze	WBR_00003457		X	
45	Email from D. Jang to M. Johnson. Subject: RE: Rightscorp	SME_00003165		X	
46	Email string from M. Piibe to J. Finley. Subject: Re: Copyright - Rightscorp	SME_00003177– SME_00003183		X	
47	Email string from J. Mason to D. Jang. Subject: Re MUSO	SME_00002868– SME_00002870			X
48	Sony Songs Spreadsheet		Leak Ex. 3		X
49	Sample Rightscorp Notices		Leak Ex. 6		X
50	Email from D. Kokakis to D. Benjamin. Subject: Digital Rights (torrent sites / ISPs)	UMG_00012695– UMG_00012697			X
51	Email from D. Benjamin to B. Buckles. Subject: Canadian Govt. Outlaws Bogus Piracy Notices	UMG_00003701– UMG_00003702			X
52	Letter from R. Steele of RightsCorp to J. Holanda, J. Kramp, P. Murphy of Grande Communications	GRANDE1435465– GRANDE1435470			X
53	Presentation: DigitalRights - Monetization of Copyrighted Intellectual Property, January 2013		Sabec Ex. 4		X
54	DigitalRights Notice and Settlement Program for Universal Music Publishing Legal Positions, March 2012	UMG_00012753– UMG_00012774			X
55	Presentation: DigitalRights - New Anti-Piracy Technologies and Business Models for Sony Pictures		Sabec Ex. 6		X
56	"Rightscorp finished Sept 2017 with \$3,147 in the bank, warns investors it will likely have to shut down without more cash"; BoingBoing.net, 2017/11/26/circling-the-drain.html		Sabec Ex. 7		X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect to Offer	May Offer
57	"Rightscorp's terrifying extortion script is breathtaking in its sleaze"; BoingBoing.net		Sabec Ex. 8		X
58	Script / Flow Chart	BMG- GRANDE000000968– BMG- GRANDE000000972			X
59	Rightscorp Call Center Script, 10-23-14, Rev. G. 3	RIGHTSCORP00005717– RIGHTSCORP00005746			X
60	RightScorp Oct. 2016 thru March 2018. Spreadsheet of debit amounts	RIAA_00059813– RIAA_00059813			X
61	Email from C. Sabec to S. Marks. Subject: Rightscorp's Solution for the RIAA	RIAA_00059874– RIAA_00059874			X
62	Letter from C. Sabec of Rightscorp to S. Marks of Recording Industry Association of America	RIAA_00059875– RIAA_00059876			X
63	Email from C. Sabec to S. Marks. Subject: Re: Rightscorp's Solution for the RIAA	RIAA_00059827– RIAA_00059827			X
64	Rightscorp presentation. Protecting the Arts. Restoring Growth. Rightscorp's Solution for the RIAA - Overview	RIAA_00059828– RIAA_00059839			X
65	Rightscorp presentation. Protecting the Arts. Restoring Growth. Rightscorp's Solution for the RIAA - Technical Briefing	RIAA_00059841– RIAA_00059872			X
66	Litigation Support and Consulting Agreement between Recording Industry Association of America and Rightscorp, Inc.	RIAA_00059818– RIAA_00059826			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expects to Offer	May Offer
67	Master Agreement between DtecNet Inc. and Recording Industry Association of America Inc., effective December 20, 2011. Statement of Work No. 2 between MarkMonitor and Recording Industry Association of America, Inc. dated March 30, 2015, with attachments	MM000001– MM000031			X
68	Statement of Work between MarkMonitor Inc. and the Recording Industry Association of America, executed March 22, 2013, with attachments	MM000032– MM000065			X
69	Email string from H. Singer to V. Sheckler, C. Horton, D. Jang. Subject: Re: follow-up	WBR_00003394– WBR_00003399			X
70	“A Farewell to Kings” by Rush	UMG_00000601 - UMG_00000602			X
71	“Angel” by Aerosmith	UMG_00000035 – UMG_00000036			X
72	“House of Balloons / Glass Table Girls” by the Weeknd	UMG_00000744			X
73	Associated with registration number PA0001678112	SME_00000003 - SME_00000004			X
74	Evidence of Merger between Zomba Recording LLC and Zomba Recording Corporation	SME00001755			X
75	Mariah Carey Songs	UMG_00005437 - UMG_00005438			X
76	Unique secondary IDS - 2bb622bb-9b8f-44cc-a66c-8e12e8c39b9e and bff38a49-e2bd-40e6-ab7e-0958464ab721	RC-D_01383209 – RC-D_01383210			X
77	Grande Residential Subscriber Data	GRANDE2551606			X
78	Grande Residential Customer Acquisition Expense Analysis report (2017-2018)	GRANDE2551619- GRANDE2551667			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect s to Offer	May Offer
79	IRU Agreement between Grande Communications Networks, LLC and NextEra FiberNet, LLC dated February 28, 2011	GRANDE2551668- GRANDE2551738			X
80	Grande Employee Compensation Report	GRANDE2551739			X
81	RCN CapEx 2018 Forecast financial report	GRANDE2551740- GRANDE2551744			X
82	Grande and FPL Fibernet (Crown Castle) Capacity IRU details	GRANDE2551745			X
83	Texas IRU and Purchase Option Agreement between Grande Communications Networks, LLC and NextEra FiberNet, LLC dated February 28, 2011	GRANDE2551746- GRANDE2551789			X
84	Copyright registration for "Aquemini," SR 264-091	SME_00000074- SME_00000075			X
85	Copyright registration for "Paul's Boutique," SR 154-347	UMG_00000080- UMG_00000081			X
86	October 11, 2011 Email string from R. Steele to J. Pariser, cc: C. Sabec. Subject: RE: RFP attached.	RIAA_00059922			X
87	November 16, 2011 Email from C. Sabec to D. Benjamin, cc: C. Castle, R. Steele, D. Hughes. Subject: Re: DigitalRights.	RIAA_00059956			X
88	November 16, 2011 email string from C. Sabec to D. Benjamin, cc: C. Castle, R. Steele, D. Hughes. Subject: Re: DigitalRights	RIAA_00059971- RIAA_00059973			X
89	November 16, 2011 Email from C. Sabec to D. Hughes, cc: R. Steele. Subject: Draft Proposal for UMG.	RIAA_00059974			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect s to Offer	May Offer
90	UMG Repeat Infringer Notice and Monitoring Project Proposal Rev. 3 (Attachment to RIAA_00059974)	RIAA_00059975- RIAA_00059988			X
91	Contact information for Christopher Sabec	RIAA_00059989			X
92	September 26, 2011 email from R. Steele to D. Hughes. Subject: Non-CAS Pilot Program.	RIAA_00059990			X
93	DigitalRights Settlement Model Pilot Project Proposal	RIAA_00059991- RIAA_00059996			X
94	DRC ISP Pilot List (3).xlsx	RIAA_00059997			X
95	September 21, 2011 Email from R. Steele to D. Hughes, cc: C. Sabec, C. Harmon. Subject: Revised Document	RIAA_00059998			X
96	Digital Rights and RIAA Test Scope of Work (Attachment to RIAA_00059998)	RIAA_00059999- RIAA_00060000			X
97	September 20, 2011 from R. Steele to D. Hughes, cc: C. Sabec. Subject: RIAA Test Scope.	RIAA_00060001			X
98	RIAA Test Scope of Work	RIAA_00060002- RIAA_00060005			X
99	July 21, 2011 email from R. Steele to D. Hughes. Subject: initial draft.	RIAA_00060006			X
100	DigitalRights (DRC) Capabilities Summary draft.	RIAA_00060007- RIAA_00060008			X
101	July 20, 2011 email from R. Steele to D. Hughes, cc: S. Marks, C. Harmon. Subject: DRC Tech Briefing.	RIAA_00060009			X
102	Copyrights Spreadsheet	RIAA_00060062			X
103	July 21, 2011 Email from C. Harmon to S. Marks, cc: C. Sabec, R. Steele. Subject: RE: NDA.	RIAA_00060063			X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect to Offer	May Offer
104	July 19, 2011 letter of agreement sent to Recording Industry Association of America from DigitalRights regarding DigitalRights/Settlement of Infringement Claims Against Corporations. (Unexecuted)	RIAA_00060065- RIAA_00060071			X
105	June 27, 2011 email string from C. Sabec to C. Harmon, cc: S. Marks, R. Steele. Subject: Re: Digital Rights Corp – RIAA Meeting.	RIAA_00060072- RIAA_00060076			X
106	Mutual Confidentiality and Non-Disclosure Agreement between Rightscorp, Inc. and RIAA dated June 27, 2011.	RIAA_00060077- RIAA_00060080			X
107	August 26, 2011 Email from C. Sabec to M. Grant, V. Sheckler, cc: R. Steele. Subject: Re: CONFIDENTIAL: RFP/RFQ for a Program in the US (DigitalRights Reponse)	RIAA_00060081			X
108	July 20, 2011 Email from R. Steele to D. Hughes, cc: S. Marks, C. Harmon. Subject: DRC Tech Briefing Full	RIAA_00060141			X
109	DRC-RIAA Technology Review presentation.	RIAA_00060142- RIAA_00060195			X
110	Copyrights Spreadsheet	RIAA_00060196			X
111	Letters Spreadsheet	GRANDE2542672–			X
112	CSG Ticket Spreadsheet	GRANDE0000199			X
113	CSG Ticket Spreadsheet	GRANDE0000200			X
114	CSG Letter Templates	GRANDE1438545– GRANDE1438548			X
115	Sony Plaintiffs' Responses to First Interrogatories 11.3.2017				X
116	Sony Plaintiffs' Responses to Second Interrogatories 4.12.2018				X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect to Offer	May Offer
117	Sony Plaintiffs' Responses to Third Interrogatories 6.6.2018				X
118	Sony Plaintiffs' Responses to First Requests for Admissions 6.6.2018				X
119	Universal Plaintiffs' Responses to First Interrogatories 11.3.2017				X
120	Universal Plaintiffs' Responses to Second Interrogatories 4.12.2018				X
121	Universal Plaintiffs' Responses to Third Interrogatories 6.6.2018				X
122	Universal Plaintiffs' Responses to First Requests for Admissions 6.6.2018				X
123	Warner Plaintiffs' Responses to First Interrogatories 11.3.2017				X
124	Warner Plaintiffs' Responses to Second Interrogatories 4.12.2018				X
125	Warner Plaintiffs' Responses to Third Interrogatories 6.6.2018				X
126	Warner Plaintiffs' Responses to First Requests for Admissions 6.6.2018				X
127	Cohen Expert Report Exhibit 3			X	
128	Boswell Cox Deposition Transcript				X
129	http://www.bittorrent.org/beps/bep_0003.html				X
130	https://wiki.theory.org/index.php/BitTorrentSpecification				X
131	Song Files Downloaded by Dr. Cohen as referenced in his Supplemental Report at Para. 118				X
132	Kemmerer Exhibit JEK-1				X
133	Kemmerer Exhibit JEK-2				X
134	Kemmerer Exhibit JEK-3				X

Def.'s Trial Exhibit	Description	Bates Number	Dep. Exhibit (in absence of bates label)	Expect s to Offer	May Offer
135	Kemmerer Exhibit JEK-4				X
136	Kemmerer Exhibit JEK-5				X
137	Kemmerer Exhibit JEK-6				X
138	Kemmerer Exhibit JEK-7				X
139	Kemmerer Exhibit JEK-8				X
140	Kemmerer Exhibit JEK-9				X
141	Kemmerer Exhibit JEK-10				X
142	Kemmerer Exhibit JEK-11				X
143	Kemmerer Exhibit JEK-12				X
144	Kemmerer Exhibit JEK-13				X
145	Kemmerer Exhibit JEK-14-SUPP				X
146	Kemmerer Exhibit JEK-15-SUPP				X
147	Kemmerer Exhibit JEK-16-SUPP				X
148	Kemmerer Exhibit JEK-16A-SUPP				X
149	Kemmerer Exhibit JEK-16B-SUPP				X
150	Kemmerer Exhibit JEK-17-SUPP				X
151	Kemmerer Exhibit JEK-18-SUPP				X
152	Kemmerer Exhibit JEK-18A-SUPP				X
153	Kemmerer Exhibit JEK-18B-SUPP				X
154	Kemmerer Exhibit JEK-19-SUPP				X
155	Email string from H. Singer to W. Rosso. Subject: RE	WBR_00002469-WBR- 00002470			X

Dated: January 28, 2020

By: /s/ Richard L Brophy

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that on January 28, 2020, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(b)(1).

/s/ Richard Brophy _____
Richard L. Brophy